

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE NIETO, JR.,

Plaintiff,

v.

CALIBER HOME LOANS, INC., *et al.*,

Defendants.

Case No. 2:20-cv-00422-JAM-JDP (PS)

ORDER TO SHOW CAUSE WHY THIS CASE  
SHOULD NOT BE DISMISSED FOR LACK OF  
JURISDICTION

ORDER VACATING THE INITIAL  
SCHEDULING CONFERENCE

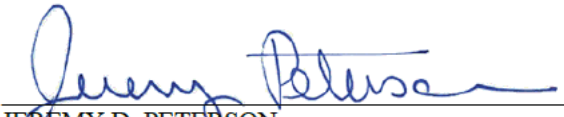
It appears that there is not complete diversity between plaintiff and defendants because plaintiff is a citizen of California and defendant MTC Financial Inc. is a California corporation doing business in California. In the notice of removal, defendants assert that MTC Financial is a nominal party, but do not address whether plaintiff's complaint alleges that MTC Financial has an interest respecting the primary matter in dispute. Thus, the court orders defendants to show cause why this case should not be dismissed for lack of subject-matter jurisdiction and will set a briefing schedule. The court will also vacate the upcoming initial scheduling conference, and reset it, if necessary, once this matter has been resolved.

Accordingly, it is hereby ordered that:

1. Within 14 days of the date of entry of this order, defendants shall file an opening brief in response to this order to show cause.

2. Within 14 days of defendants' filing of the opening brief, plaintiff may file a responsive brief.
3. Within 7 days of plaintiff's filing of a responsive brief, defendants may file a reply.
4. The initial scheduling conference set for November 5, 2020 is vacated.

Dated: October 30, 2020

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE